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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/597,867      | 03/19/2008  | Andre Saunier        | ICB0269             | 7298             |

24203 7590 05/13/2009  
GRIFFIN & SZIPL, PC  
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ARLINGTON, VA 22204

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| EXAMINER |
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KAYES, SEAN PHILLIP

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| ART UNIT | PAPER NUMBER |
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2833

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| MAIL DATE | DELIVERY MODE |
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05/13/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/597,867             | SAUNIER, ANDRE      |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | SEAN KAYES             | 2833                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 16-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 16-30 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/10/06</u>   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### **Claim Objections**

1. Claims 16-30 are objected to because the phrase "in particular" (claim 16, line 3) renders the claims uncertain.

The phrase "the latter" (claim 16, line 6) lacks antecedent basis and renders the claim unclear.

Claims 17-30 depend from claim 16 and incorporate the same deficiencies.

2. Claim 17 is objected to. The word "manoeuvring" must be corrected to the English spelling "maneuvering".

Appropriate correction is required.

### ***Allowable Subject Matter***

3. The following is a statement of reasons for the indication of allowable subject matter:

4. According to the disclosure of the invention one of the core improvements over the art is that the bezel of applicant's invention is capable of rotation relative to the cover/case structure. See lines 30-32 page 1 of applicant's disclosure. Accordingly the language "wherein the cover is independent of the bezel" would be understood by one having ordinary skill in the art in the context of applicant's disclosure to entail that the bezel is capable of rotation relative to the case, cover, and movement structure(s) independent of the rotation of these elements according to the further detailed rotation between a concealed position and a revealed position.

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5. The prior art does not disclose or suggest the claimed “cover is independent of the bezel” ... “the movement and the external casing” ... “can be manipulated in relative rotation in the plane of the watch between a position in which the crown is concealed by the cover and a position in which it is revealed” in combination with the remaining claim elements as set forth in claim 16.

### ***Conclusion***

6. The art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Lauper (US D296991) teaches a watch with a crown cover.

8. Vaptzarof (US D576055) teaches two hinged button covers.

9. Latini (US 6210034 & US 5200019) teaches a hinged locking element for use with a crown.

10. Mouawad (US 6679624) teaches a perpendicularly pivoted crown locking device.

11. Finazzi (US 7001064) teaches a crown locking device.

12. Cogoli (US 20050254353) teaches a timepiece according to claim 1. Cogoli has a filing date of 3/30/2005 after applicant's filing date of 2/1/2005.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SEAN KAYES whose telephone number is (571) 272-8931. The examiner can normally be reached on 11:00am to 9:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Renee Luebke can be reached on (571) 272-2009. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SK  
5/8/2009

*/renee s luebke/*

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